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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,723	07/25/2003	Masaki Nakano	03500.016907.	2367
5514 7590 07/31/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER HARRISON, CHANTE E				
ART UNIT 2628		PAPER NUMBER		
MAIL DATE 07/31/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,723

Applicant(s)

NAKANO ET AL.

Examiner

CHANTE HARRISON

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE and Amendment, filed on 5/15/08.
2. Claims 29-32 are pending in the case. Claims 29 and 32 are independent claims. Claims 29-32 are newly added. Claims 1-28 are cancelled.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 29 recites "a synthesizing unit", in line 4, which is not referenced in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 29-32 is rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton, US 2001/0035874, 2001.

Regarding independent claim 32, Hamilton discloses a controlling step of controlling a display position of the icon image to change each time of starting of the displaying of the icon image (i.e. regular and irregular shifting of display position of text/image data in accordance with a time schedule, where the image position begins to shift at each scheduled instance in time) (fig. 2-5; Para 24, 25, 29), and to not change until an end of the displaying of the icon image (i.e. the movement of the displayed text takes place at the end of a scheduled time interval, such that the text remains in any given location for a period of time) (Para 27, 29, 30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton and further in view of Toffolo et al., US 6,628,247.

Regarding independent claim 29, Hamilton discloses an input unit for inputting video image data (i.e. camera for inputting video) (Para 4); an icon image generation unit for generating icon image data (i.e. character generator) (Para 26); synthesizing unit (i.e. a CRT circuit) (Para 2, 25) synthesizing the video image data and the icon image data (Para 4, 19, 26; Fig. 2); a display control unit for displaying video and icon images based on the synthesized video and icon image data on a monitor (i.e. CRT display showing video including a smaller window of text) (Para 19, 26); and system instructions (Para 2, 25) for controlling the synthesizing unit (i.e. instructions provided to the CRT circuit) (Para 25) so as to change a display position of the icon image at each time when displaying of the icon image starts (i.e. regular and irregular shifting of display position of text/image data in accordance with a time schedule, where the image position begins to shift at each scheduled instance in time) (fig. 2-5; Para 24,

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25, 29), and so as not to change a display position of the icon image during the display of the icon image (i.e. the movement of the displayed text takes place at the end of a scheduled time interval, such that the text remains in any given location for a period of time) (Para 27, 29, 30).

Hamilton fails to specifically disclose a control unit, which Toffolo discloses (Fig. 1 "26"). It would have been obvious to one of ordinary skill in the art at the time of invention to include Toffolo's control unit with the method of Hamilton because Hamilton discloses a system for providing instructions to a CRT to modify the display position of data in a window, where a CRT is driven by processor instructions from a CPU.

It would have been obvious to one of ordinary skill in the art to include Toffolo's control unit with the method of Hamilton because the combination yields predictable results.

Regarding claim 30, Hamilton discloses wherein, after an end of displaying the icon image, a display position of the icon image to be displayed next is determined.

Regarding claim 31, Hamilton discloses wherein the displaying of the icon image on the monitor starts on a user's operation (i.e. window start position is established at power up) (Para 20), and system instructions (Para 2, 25) controls the synthesizing unit (i.e. instructions provided to the CRT circuit) (Para 25) so as to display the icon image in the determined display position (i.e. regular and irregular shifting of display position of text/image data in accordance with a time schedule) (fig. 2-5; Para 24, 25, 29).

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Hamilton fails to specifically disclose a control unit, which Toffolo discloses (Fig. 1 "26").

The rationale as applied in the rejection of claim 29 applies herein.

Response to Arguments

Applicant's arguments filed 5/15/08 have been fully considered but they are not persuasive.

Applicant argues neither Hamilton nor Toffolo teaches a control unit for controlling the synthesizing unit so as to change a display position of the icon image at each time when displaying of the icon image starts, and so as not to change a display position of the icon image during the display of the icon image.

In response, the newly added claim feature is addressed in the above rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHANTE HARRISON whose telephone number is (571)272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chante Harrison/
Primary Examiner, Art Unit 2628